

DECISION RECORD
and
FINDING OF NO SIGNIFICANT IMPACT
for
Yamhill Watershed Road Stabilization
and Watershed Restoration Project

Environmental Assessment Number OR-086-01-05

USDI - Bureau of Land Management
Oregon State Office
Salem District
Tillamook Resource Area
Tillamook and Yamhill Counties, Oregon

INTRODUCTION

An IDT (interdisciplinary team) was assigned to review existing data on BLM-controlled roads within the North Yamhill River, Lower South Yamhill River, and Willamina Creek watersheds to: (1) identify road and road-related resource conditions that did not meet the management objectives contained in the Salem District Resource Management Plan (RMP), the Northern Coast Range Adaptive Management Area Guide, dated January 1997, the Northern Coast Range Late-Successional Reserve Assessment, dated January, 1998, and the Western Oregon Districts Transportation Management Plan (TMP), dated June, 1996, and (2) develop possible management actions that will contribute to the achievement of some of the long-term management direction. The project area is located in Tillamook and Yamhill Counties, Oregon in the general area between Willamina and McMinnville, Oregon. The project area includes all selected roads controlled by the Tillamook Resource Area, Salem District, Bureau of Land Management (BLM) within the North Yamhill River, Lower South Yamhill River, and Willamina Creek fifth-field watersheds. The IDT conducted an environmental analysis and documented it in Environmental Assessment (EA) number OR-086-01-05.

The EA can be obtained from the Tillamook Field Area Office, 4610 Third Street, Tillamook, Oregon 97141. Office hours are Monday through Friday, 7:30 A.M. to 4:00 P.M., closed on holidays.

The decision to be made by the Tillamook Field Manager is whether or not to prepare an environmental impact statement, and whether to approve the Yamhill watershed road stabilization and watershed stabilization project as proposed, not at all, or to some other extent.

DECISION

Based on site-specific analysis, the supporting project record, management recommendations contained in the Deer Creek, Panther Creek, Willamina Creek, and South Yamhill River Watershed Analysis (1998), and North Yamhill Watershed Analysis (1997), and management direction contained in the RMP, I have decided to implement the Yamhill watershed road stabilization and watershed restoration project as described in Alternative 2, hereafter known as the “selected alternative”. This decision includes:

1. This alternative will stabilize or decommission approximately 70 miles of BLM controlled roads over a five to ten year time period, beginning as early as the fall of 2001 (Figure 2). The roads are all within the North Yamhill and Lower South Yamhill River and Willamina Creek 5th-field watersheds. The different treatments and the length of road that will be treated are as follows:

Treatment 3B. Close the road to all vehicular use, not including Off Highway Vehicles (OHVs). The road will be prepared to avoid future maintenance needs and will be left in an “erosion-resistant” condition by establishing non-driveable waterbars, removing sidecast material where appropriate, pulling live-stream culverts, and constructing earth barricades to block the road. The total length of road to be treated will be approximately 69 miles.

Treatment 4A. Close the road to all vehicular use, not including OHVs. The road will be prepared to avoid future maintenance needs and will be left in an “erosion-resistant” condition by decommissioning the road by removing all culverts and road fill over culverts, removing sidecast material where appropriate, constructing earth barricades to block the road, and subsoiling and revegetating the road surface. The total length of road to be treated will be approximately one (1) mile.

2. Design Features:

The following design features apply to the road stabilization and watershed restoration project.

1. All soil-disturbing work will be conducted during periods of low soil moisture, which is generally between July 1 and October 15.
2. All of the work associated with treatments 3B and 4A will occur within the road prism, which includes the road surface, cut and fill slopes, and sidecast areas. All waste

disposal will be on existing roads or existing waste disposal sites.

3. In-stream work will be done in accordance with Oregon Department of Fish and Wildlife (ODFW) guidelines. The work period, unless waived by ODFW, will be between July 1 and October 15.
4. Within the nesting period for the marbled murrelet (between April 1 and September 15), activities that generate noise above the ambient noise level will be restricted to the daily time period between two hours after sunrise to two hours before sunset.
5. Waste material from road fill removal over culverts and sidecast pullback will be disposed of in approved, stable waste disposal sites, in locations at least 60 feet away from streams and wetlands, where there is minimal potential for erosion or mass wasting to occur. In general, this will be on roadbeds, against cut banks, or on landings close to the location where the waste material is being removed. No waste will be disposed of on active flood plains. It is anticipated that most of the waste disposal sites will be within one-quarter (1/4) mile of the locations where the waste is being generated.
6. Piled road-fill material will be used to block roads to high-clearance and/or highway vehicles, where appropriate.
7. Surveys for noxious weeds will be conducted prior to soil-disturbing activities. Site- specific measures will be identified to prevent the spread of noxious weeds.
8. Sediment movement from disturbed areas will be controlled with vegetated filter strips or structures such as straw bales. Structures will be placed to minimize the potential for diversion of water and sediment around the structures.
9. Exposed soils in areas such as disturbed cut and fill slopes, and culvert removal and waste disposal areas will be seeded with either a native, non sod-forming type grass seed mix, if available, or a sterile annual grass seed to reduce the potential for soil erosion.
10. Excavations to remove stream crossing culverts will be matched to the approximate elevation and bank-full stream channel width of the existing streambed.
11. Waterbars will be placed on both sides of stream channels where culverts have been removed to route surface water away from newly excavated slopes.
12. Waterbars will be located where drainage will be diverted away from unstable terrain (e.g., steep slopes or sidecast material), exposed mineral soil or into stream channels.
13. The highest priority areas for sidecast material removal are areas adjacent to streams where sidecast failures will enter the streams.
14. Additional design features will be determined on a site-by-site basis to ensure that

the Best Management Practices (BMPs) identified in the Salem RMP are incorporated into the project.

15. Cultural resource surveys will be conducted prior to any new ground-disturbing activity. If cultural resources are found, the project may be redesigned to protect the cultural resource values present or evaluation and mitigation procedures will be implemented based on the recommendation of the District Archaeologist.
16. If, during project implementation, it is determined that an individual project site will result in potential impacts to suitable red tree vole or survey and manage mollusk habitat, surveys will be conducted according to protocol and any newly discovered sites will be managed in accordance with Bureau policy.

ALTERNATIVES CONSIDERED

The alternatives considered in detail included the selected alternative which initiated the environmental analysis process and the “no action” alternative which is procedurally required. A complete description of the alternatives analyzed in detail is contained in the EA, pp. 9-13.

REASONS FOR THE DECISION

Considering public comment, the content of the EA and supporting project record, the management recommendations contained in the Deer Creek, Panther Creek, Willamina Creek, and South Yamhill River Watershed Analysis, and North Yamhill Watershed Analysis, and the management direction contained in the RMP, I have decided to implement the selected alternative as described above. My rationale for this decision follows:

2. The selected alternative addresses the identified purpose and need for action in that it stabilizes (69 miles) or decommissions (1 mile) of BLM-controlled roads that will not be maintained in the near future due to inadequate funding (EA, pp. 9-10). The “no action” alternative was not selected because it does not address the purpose and need for action in that the BLM-controlled roads that are not being maintained will have continuing resource problems as drainage structures become blocked and road surfaces, ditches and fillslopes are damaged during winter storms (EA, p. 9).
3. The selected alternative is consistent with applicable land use plans, policies, and programs (EA, pp. 34-38). The selected alternative provides for the lowest maintenance costs and the best protection for 70 miles of our transportation system for future management access needs with minimal costs associated with re-opening.
4. The selected alternative will improve water quality and help to support the maintenance of the long-term viability of the Upper Willamette steelhead, Upper Willamette chinook salmon, Upper Willamette coho salmon, and other fish species found in the North Yamhill River, Lower South Yamhill River and Willamina Creek watersheds (EA, pp. 31-33). The long-term beneficial effects to water quality and to fish are reduced sediment and turbidity levels by minimizing or eliminating impacts (erosion and

landslides) from the roads identified for treatment (EA, pp. 23-25, 31-33, Appendices 5-6). Although the selected alternative has a low to medium probability of short-term adverse effects to water quality and fish resulting from turbidity associated with removal of culverts and waterbar construction, the high probability of long-term beneficial impacts, as previously noted, far outweigh the predicted short-term impacts (EA, pp. 23-25, 31-33). The “no action” alternative was not selected because of the long-term adverse effects on water quality and anadromous fish species (EA, p. 22-23, 29-31).

PUBLIC INVOLVEMENT

Scoping consisted of a letter and scoping report mailed on May 17, 2001 to 38 individuals, groups, and agencies that were potentially affected and/or interested (Project Record, Document 2). A total of 1 letter was received as a result of this scoping (Project Record, Document 6) which was assigned a number and filed in the Project Record. The IDT reviewed, clarified, and assessed the comment. No major issues (major problem or dispute created by the selected alternative) were identified. Since there were no major issues, the environmental analysis disclosed in the EA focused on the following elements of the environment - vegetation, soil and water, wildlife, fisheries and recreation.

On August 3, 2001 the EA and draft Finding of No Significant Impact (FONSI) were mailed to 20 individuals, groups and agencies that were on the mailing list (Project Record, Document 14). Also, a legal notice requesting public comment to the EA appeared in the Headlight Herald on August 8, 2001 and the News-Register on August 7, 2001, newspapers, respectively, of Tillamook and McMinnville, Oregon (Project record documents 15 and 16). The EA and draft FONSI were available for public review from August 3, 2001 to September 10, 2001. No comments were received as a result of the notices for public comment.

FINDING OF NO SIGNIFICANT IMPACT

Based upon review of the EA and supporting project record, I have determined that the selected alternative (Alternative 2) is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore, an environmental impact statement is not needed. This finding is based on the following discussion:

Context. The selected alternative is a site-specific action directly involving approximately 70 miles of BLM-controlled roads in the North Yamhill River, Lower South Yamhill River, and Willamina Creek Watersheds that by itself does not have international, national, region-wide, or state-wide importance. The project area is within the Riparian Reserve, AMA (Adaptive Management Area), and/or LSR (Late-Successional Reserve) land use allocations as identified in the ROD/RMP. The project area also falls within the Evolutionarily Significant Units (distinct population segments) of Upper Willamette chinook salmon and Upper Willamette steelhead trout, which are Federally listed as Threatened. Portions of the project area are located within

designated critical habitat for the marbled murrelet, northern spotted owl, and Upper Willamette steelhead and chinook. The discussion of the significance criteria that follows applies to the intended action and is within the context of local importance. Chapter 3 of the EA details the effects of the selected alternative. None of the effects identified, including direct, indirect and cumulative effects, are considered to be significant and do not exceed those effects described in the RMP/Final Environmental Impact Statement.

Intensity. The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27.

Impacts may be both beneficial and adverse. Due to the selected alternative's design features, the following environmental effects are predicted: 1/ The removal of culverts and removal of road fill adjacent to streams will create a short-term increase in suspended sediment/turbidity levels in the immediate project area. These increases are expected to be minimal and of short duration, usually dissipating in a few minutes. (EA, Chapter 3); 2/ Stabilizing or decommissioning roads will reduce the potential for future road failures and will have long-term beneficial effects on water quality (suspended sediment/turbidity levels) in the affected watersheds (EA, Chapter 3, Appendices 5 and 6); 3/ There will be long-term beneficial effects on fish and their habitat by removing culverts, removing sidecast material, waterbarring, and/or subsoiling road (EA, chapter 3, Appendices 5 and 6); 4/ The selected alternative will contribute to the attainment of the Aquatic Conservation Strategy (ACS) objectives (EA, Chapter 3, Appendix 6); 5/ The selected alternative will not negatively impact Bureau sensitive and special attention plant species as ground disturbance will be limited to existing road prisms, which are not considered to be habitat for these species, and noxious weeds increases should be minimal as site- specific measures will be used to minimize their potential for spreading (EA, Chapter 3); 6/ The selected alternative will not negatively impact soil productivity as ground disturbance will be limited to existing road prisms, which are already disturbed (EA, Chapter 3). See Intensity Criteria #9 for a discussion of the impacts to listed fish and wildlife species.

None of the environmental effects disclosed above and discussed in detail in Chapter 3 of the EA are considered significant.

2. **The degree to which the selected alternative will affect public health or safety.** The selected alternative will have a beneficial effect on public health and safety. The project will stabilize or decommission roads to reduce future damage, which will limit public travel on those roads that have not been maintained for several years and may have hazardous driving conditions.
3. **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas.** There are no historic or cultural resources, park lands, prime farm lands, wild and scenic rivers, wildernesses, or ecologically critical areas located within the project area.

The project area is within the Riparian Reserve, AMA and/or LSR land use allocations. The selected alternative is consistent with the management direction for these land use allocations (EA, Chapter 3). The project area also falls within the Evolutionarily Significant Units (distinct population segments) of Upper Willamette chinook salmon and Upper Willamette steelhead trout, which are Federally listed as Threatened. Portions of the project area are located within designated critical habitat for the marbled murrelet, northern spotted owl, and Upper Willamette steelhead and chinook. Activities associated with the selected alternative are predicted to contribute to the attainment of ACS objectives. (EA, chapter 3, Appendix 6).

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects of the selected alternative on the quality of the human environment are adequately understood by the IDT to provide analysis for this decision. A complete disclosure of the predicted effects of the selected alternative is contained in the EA, chapter 3 and Appendix 3.
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The selected alternative is not unique or unusual. The BLM has experience implementing similar actions in similar areas and have found effects to be reasonably predictable. The environmental effects to the human environment are fully analyzed in the EA, chapter 3. There are no predicted effects on the human environment which are considered to be highly uncertain or involve unique or unknown risks.

The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. The selected alternative does not set a precedent for future actions that may have significant effects nor does it represent a decision in principle about future consideration. The selected alternative will stabilize or decommission BLM roads in the North Yamhill River, Lower South Yamhill River, and Willamina Creek Watersheds. Any future projects will be evaluated through the National Environmental Policy Act (NEPA) process and will stand on their own as to environmental effects.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The interdisciplinary team evaluated the selected alternative in the context of past, present and reasonably foreseeable actions. The anticipated cumulative effects to water quality from the selected alternative will be a short-term increase in sediment and turbidity while the project is being implemented, and a long-term reduction in sediment and turbidity from road-related runoff and road fill

failures. The short-term effects on water quality will occur primarily in smaller streams

tributary to the Yamhill River and it's major tributaries, and not in the mainstem of the Yamhill River. Significant cumulative effects are not predicted. A complete disclosure of the effects of the selected alternative is contained in the EA, chapter 3.

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The selected alternative will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will the selected alternative cause loss or destruction of significant scientific, cultural, or historical resources (EA, Appendix 3).

9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** The selected alternative activities which generate noise above the ambient level within 0.25 mile of suitable habitat during the critical nesting season (March 1 - July 7), "May Affect and are Likely to Adversely Affect" the spotted owl, while those activities occurring during the non-critical nesting season (July 8 - September 30), "May Affect but are Not Likely to Adversely Affect" the spotted owl. Activities which generate noise above the ambient level within 0.25 mile of suitable habitat during the murrelet critical nesting season (April 1 - August 5), "May Affect and are Likely to Adversely Affect" the marbled murrelet, while those activities occurring during the non-critical nesting season (August 6 - September 15), "May Affect but are Not Likely to Adversely Affect" the marbled murrelet. The selected alternative will be of "No Effect" on spotted owl or marbled murrelet designated critical habitat because no critical habitat elements will be impacted. The selected alternative "May Affect but is Not Likely to Adversely Affect" bald eagles due to the generation of noise above the ambient level within 0.25 miles of suitable habitat during the eagle nesting period (January 1 - August 31) (EA, Appendix 2). There are no occupied eagle nests within 0.5 miles line-of-sight distance of the roads proposed for treatment. The selected alternative will be included annually within the North Coast Province Programmatic Biological Assessment for Projects which will Disturb the Habitats of Bald Eagles, Northern Spotted Owls and Marbled Murrelets for those years in which road stabilization activities will occur.

Due to the chance for short-term impacts that may result in take of Upper Willamette steelhead, the selected alternative "May Affect, and is Likely to Adversely Affect" Upper Willamette steelhead. There will be "No Effect" to Upper Willamette chinook salmon, as there is no current or historic use of this watershed by chinook. Due to the short term impacts to water quality, the selected alternative "May Affect, and is Likely to Adversely Affect" Upper Willamette steelhead and chinook salmon critical habitats, however the overall impact to critical habitats will be beneficial. Over the long-term, stabilizing and decommissioning roads is expected to reduce turbidity within the watershed by minimizing or eliminating impacts (erosion and landslides) from the roads identified for treatment.

The Essential Fish Habitat (EFH) call for chinook is "May Affect, and is Not Likely to Adversely Affect" for this project due to the distance downstream where any probable use by chinook will occur. For the introduced coho populations (some of which are naturally reproducing) the affect call is "May Affect and is Likely to Adversely Affect"

as the proximity to proposed work is closer and culvert replacements have the potential of releasing turbid water and sediment which could affect the feeding or growth as well as the substrate to a lesser extent.

Potential adverse impacts will not result in a trend toward federal listing, nor will they lead to any loss in population viability of any other fish species. Beneficial impacts will be expected to result in increased population viability of fish species, including Upper Willamette steelhead.

The selected alternative is included in the *Programmatic Biological Assessment (BA) for On-going USDA Forest Service and USDI Bureau of Land Management Activities Affecting Upper Willamette Steelhead Trout and Upper Willamette Chinook Salmon within the Willamette Province (above Willamette Falls), Oregon*, which was submitted to National Marine Fisheries Service (NMFS) May 1999. Categories of actions within the BA that the selected alternative falls within include: Road Maintenance, Road Decommissioning and Obliteration. A Biological Opinion (BO) covering the actions described in the programmatic BA was received from NMFS on July 28, 1999, and a new Incidental Take Statement (ITS) for the programmatic BO was issued on June 5, 2000. The new ITS expires on September 30, 2001. All design features of the selected alternative comply with the Terms and Conditions contained within the BO, and it is our intention to include these actions in subsequently issued programmatic BA/BOs.

10. **Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.** The selected alternative does not violate any known Federal, State, or local law or requirement imposed for the protection of the environment. The EA and supporting Project Record contain discussions pertaining to such laws as the Endangered Species Act, National Historic Preservation Act, Clean Water Act, Clean Air Act, and Coastal Zone Management Act. State, local, and tribal interests were given the opportunity to participate in the environmental analysis process. Furthermore, the selected alternative is consistent with applicable land management plans, policies, and programs (EA, Chapter 3.7).

PROTEST PROVISIONS

This decision is subject to protest by the public. To protest this decision, a person must submit a written protest to Dana Shuford, Tillamook Field Manager, 4610 Third Street, Tillamook, Oregon 97141-0161 by the close of business (4:00 P.M. Pacific Standard Time) on October 11, 2001. The protest should clearly and concisely state the reasons why the decision is believed to be in error.

IMPLEMENTATION DATE

If no protest is received by the close of business (4:00 P.M. Pacific Standard Time) on October 11, 2001, this decision will become final and will be implemented consistent with the elements of the decision and the terms and conditions of the Biological Opinions issued by NMFS and US Fish and Wildlife Service. If a timely protest is received, this decision will be reconsidered in light of the statements of reasons for the protest and other pertinent information available and a final decision will be issued which will be implemented in accordance with 43 CFR Part 4.

CONTACT PERSON

For additional information concerning this decision or the BLM protest and appeal process, contact Katrina Symons, Tillamook Resource Area, 4610 Third Street, Tillamook, Oregon 97141; telephone (503) 815-1100.

Approved by: _____
Dana R. Shuford
Tillamook Field Manager

Date